

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

PREAMBLE

1. **Sections Affected**

R4-26-101 R4-26-208 Table 1	<u>Rulemaking Action</u> Amend Amend New Table
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-2063(A)(9) and A.R.S. § 41-1073
Implementing statutes: A.R.S. § 41-1072 through § 41-1078
3. **The effective date of the rules:**

February 19, 1999.
4. **A list of all previous notices appearing in the *Register* addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 2298, August 28, 1998.
Notice of Proposed Rulemaking: 4 A.A.R. 3578, November 6, 1998.

This rulemaking addresses only a portion of the rules opened at the listed docket. The Board will address the remainder of the rules in a subsequent rulemaking.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Maxine McCarthy, Executive Director
Address:	1400 West Washington, Room 235 Phoenix, Arizona 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
6. **An explanation of the rule, including the agency's reasons for initiating the rules:**

The proposed rules establish the Board's time-frames for processing various applications for licensure, renewal, reinstatement, and extension. They also add definitions to clarify procedures in the approval process.
7. **A reference to any study upon which the agency proposes to rely in its evaluation of or justification for the proposed rule, where the public may obtain or review the study, all data underlying the study, any analysis of the study and other supporting material:**

Not applicable.
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of a political subdivision of the state:**

Not applicable
9. **The summary of the economic, small business, and consumer impact:**

The Board will incur minimal costs to promulgate the rules and to notify interested parties of the new rules after the rules are approved. The Board should incur minimal costs for notification of completeness of an application. All applicants and the Board should benefit because of the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, psychologists, or the public.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

R4-26-101(12) was changed to make the definition of "gross negligence" more clear, concise, and understandable. R4-26-101(24) was changed to be consistent with the statute.

R4-26-208 and Table 1.

Other than grammatical and stylistic changes, the Board made 2 changes to Table 1 and changes to R4-26-208 for clarification purposes. The Board added 2 columns to Table 1, a "Time to Respond to Notice of Deficiency" column and a "Time to Respond to Request for Additional Information" column. These columns incorporate the terms of the rule. In addition, the Board changed the length of the administrative completeness time-frame from 15 days to 30 days to total the overall time-frame of 90 days published in the proposed rule. The Board changed language in R4-26-208(B) and (C) to clarify the administrative completeness and substantive review time-frames for the 3 approval stages of licensure: approval to take the national examination, approval to take the additional examination, and approval of licensure.

11. A summary of the principal comments and the agency response to them:
No comments were made.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.
13. Incorporation by reference and their location in the rules:
None.
14. Was this rule previously adopted as an emergency rule:
No.
15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section
R4-26-101. Definitions

ARTICLE 2. LICENSURE

R4-26-208. Completion of the Application Process Time-frames for Processing Applications
Table 1. Time-frames (In Days) for Processing Applications

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

In this Chapter, the following terms mean:

1. "Administrative completeness review" means the Board's process for determining that an applicant has provided all of the information and documents required by Board statute or this Chapter.
- ~~A-2.~~ "Advertising" means the use of any communications media, whether paid or unpaid by the a psychologist, to disseminate information regarding the qualifications of a the psychologist or to solicit clients for psychological services. Methods of advertising include published statements or announcements, directory listings, business cards, personal resumes, brochures, or any electronic communications a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying professional qualifications or promoting the use of the psychologist's professional services.
3. "Applicant" means an individual requesting licensure, renewal, or approval from the Board.
4. "Application packet" means the forms and documents the Board requires an applicant to submit or be submitted on an applicant's behalf.
- ~~B-5.~~ A "case" "Case", in the context of R4-26-106(D) R4-26-106(E), is means a legal cause of action instituted according to the regular course of before an administrative or judicial proceedings where the claim of a party takes such a form that the administrative or judicial power is capable of acting upon it court.

~~E-6.~~ "Case conference" means a an informal meeting among psychologists that includes the discussion of a particular client, case, or diagnosis that is related to the practice of psychology.

7. "Client record" means, in addition to adequate records defined in A.R.S. § 32-2061(A)(2), any assessment, plan of intervention, consultation, hand-written note, summary report, testing report, relevant supporting data, or a release form obtained from a client or 3rd party pertaining to the psychological services.

8. "Confidential record means:

- a. Minutes of an executive session of the Board;
- b. A record that is classified as confidential by a law or rule applicable to the Board;
- c. An applicant's or licensee's college or university transcript requested by a person other than the applicant or licensee;
- d. All materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, or any other information relating to a client's diagnosis, treatment, personal or family life. The Board shall disclose if an investigation is being undertaken and the general nature of the investigation;
- e. Home address and home telephone number;
- f. Test scores; and
- g. Social security number.

9. "Days" means calendar days.

~~D-10.~~ "Diplomate" is means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.

~~E-11.~~ "Dissertation", in the context of A.R.S. § 32-2071(A)(6), means a document prepared as part of the a graduate doctoral program that shall include includes, at a minimum, the following separate sections that:

- a. a literature review section that reviews Review the literature on the psychology topic being investigated, a statement of the state each research ques-

- tion under investigation, and the state each hypothesis or hypotheses being investigated;
- b. ~~a method section that describes~~ Describe the method or procedure used to investigate the ~~each~~ research question or questions or the ~~each~~ hypothesis or hypotheses;
 - c. ~~a results section that describes~~ Describe and summarize summarize the findings and results of the investigation;
 - d. ~~a discussion section that discusses~~ Discuss the findings and compares compare them to the relevant literature presented in the literature review section; and
 - e. ~~a references section that lists~~ List the references used in the various sections of the dissertation. A majority of the references used in the dissertation shall either be included listed in the American Psychological Association's journal, *Psychological Abstracts*, or classified as a psychology subject by the Library of Congress.
- F-12.** "Fellow" is means a rank or position bestowed on a person by ~~an~~ a psychology association or society.
- 13.** "Gross negligence" means a psychologist's breach of duty to know or have reason to know of facts that would lead a reasonable psychologist to realize that the psychologist's act or failure to act creates an unreasonable risk of harm and involves a high degree of probability that substantial harm may result.
- 14.** "Internship training program" means the supervised professional experience required in A.R.S. § 32-2071(D).
- 15.** "National examination" means the national written examination provided by the Association of State and Provincial Psychology Boards.
- O-16.** "Party" means the Board, an applicant, or a licensee.
- G-17.** "Primarily psychological", in the context of A.R.S. § 32-2071(A)(6), is means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(8) A.R.S. § 32-2061(A)(8) and addresses a research problem or tests a hypothesis or hypotheses derived from psychological literature.
- H-18.** "Psychometric testing" is means testing that measures measuring cognitive and emotional processes and learning.
- I-19.** "Raw test data" means data information collected during the a psychologist's assessment and evaluation.
- 20.** "Residency" means the same as in A.R.S. § 32-2071(H), except domicile or hospital residency.
- J-21.** "Retired", as used in A.R.S. § 32-2073(E)(2) A.R.S. § 32-2073(E), means not engaging in any activity that is the practice of a psychologist has permanently stopped practicing psychology, as defined in A.R.S. § 32-2061(8) A.R.S. § 32-2061(A)(8).
- 22.** "Substantive review" means the Board's process for determining if an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.
- K-23.** "Successfully completed completing", in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from the a school or institution.
- L-24.** "Supervise" means the assertion of authority by a licensed psychologist over to control, oversee, and review the activities of an employee, intern, or trainee in providing who provides psychological services.
- M-25.** "Supervisor" is means a psychologist licensed or certified as a psychologist in the state in which the supervision occurs.

- 26.** "Three or more graduate semester hours" means 3 16-week semester hours, 4 12-week quarter hours, or 5.33 9-week trimester hours.

ARTICLE 2. LICENSURE

R4-26-208. Completion of the Application Process Time-frames for Processing Applications

A license application shall be completed within six months following the original filing date. If the application is not completed within six months, the application shall be closed for failure to complete the application process. Fees paid as part of an incomplete or denied application are not refundable.

- A.** The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. An applicant and the Board's Executive Director may agree in writing to extend the substantive review time-frame and the overall time-frame. Any extension shall not exceed 25% of the overall time-frame.
- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.
 - 1.** The administrative completeness review time-frame begins, for approval or denial:
 - a.** To take the national examination, on the date the Board office receives an application packet and ends on the date the Board office sends an applicant a written notice of administrative completeness;
 - b.** To take the additional examination, on the date the Board office receives an application packet for an additional examination, and ends on the date the Board office sends an applicant a written notice of administrative completeness of the additional examination packet;
 - c.** Of a temporary license for an applicant licensed in another jurisdiction, on the date the Board office receives an application packet from the applicant and ends on the date the Board office sends the applicant a written notice of administrative completeness;
 - d.** Of a license, on the date an applicant takes the additional examination and ends on the date the Board office notifies the applicant that the applicant has completed the additional examination;
 - e.** Of a license renewal application, on the date the Board office receives a renewal application packet and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes 1st;
 - f.** Of a request for reinstatement of an expired license, on the date the Board office receives the request for reinstatement and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes 1st; and
 - g.** Of a request for an extension in which to complete continuing education requirements, on the date the Board office receives a request for extension, and ends on the date the Board office sends an applicant written notice of completeness of the request.
 - 2.** If an application packet is incomplete, the Board shall send an applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the notice. If the applicant

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fails to do so, the Board may close the file unless the applicant requests a denial within 30 days from the date of the notice. An applicant whose file has been closed and who later wishes to become licensed shall reapply.

3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time-frame and the overall time-frame are suspended from the date of mailing this notice until the date Board receives a complete application packet from the applicant.
4. Once an application packet is complete, the Board shall send a written notice of administrative completeness to an applicant.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1.

1. The substantive review time-frame begins for approval or denial of:
 - a. An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;
 - b. An application to take the additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;
 - c. A temporary license, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the temporary license;
 - d. A license, on the date the Board sends an applicant written notification that the applicant has completed the additional examination and ends on the date the Board grants or denies the license;
 - e. An application for license renewal, on the date an applicant submits a complete renewal application

packet and ends on the date the Board approves or denies the renewal application;

- f. A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and
 - g. A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.
2. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the date of mailing the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
- D. The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. § 32-2071 through § 32-2076.**
- E. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2071 through § 32-2076.**
- F. The Board shall send a renewal certificate to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.**
- G. The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last known address of record in the Board's file.**
- H. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the time-frame ends on the next business day.**

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Table 1. Time-frames (in days) for Processing Applications

<u>Type of Time-frame</u>	<u>Statutory or Rule Authority</u>	<u>Administrative Completeness Time-frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-frame</u>	<u>Time to Respond to Request for Additional Information</u>	<u>Overall Time-frame</u>
Approval or denial to take the national examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240	60	240	90
Approval or denial to take additional examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240	60	240	90
Approval or denial to issue temporary license	A.R.S. § 32-2071 A.R.S. § 32-2073	30	240	60	240	90
Approval or denial for licensure	A.R.S. § 32-2071; § 32-2071.01	30	240	60	240	90
Approval or denial of application for renewal of license	A.R.S. § 32-2074 R4-26-205	60	No time specified	90	No time specified	150
Approval or denial of renewal application for reinstatement	A.R.S. § 32-2074; R4-26-206	60	No time specified	90	No time specified	150
Approval or denial of extension for continuing education requirement	A.R.S. § 32-2074 R4-26-207	60	No time specified	90	No time specified	150